

WORKSHOP MEETING MINUTES
SISTERS CITY COUNCIL AND PLANNING COMMISSION
520 E. CASCADE AVENUE
FEBRUARY 28, 2008

COUNCIL PRESENT:

Brad Boyd	Mayor
Bill Merrill	Council President
Lon Kellstrom	Councilor
Sharlene Weed	Councilor
Shawna Bell	Councilor

STAFF PRESENT:

Eileen Stein	City Manager
Eric Porter	Comm. Dev. Director
Lisa Young	Finance Director
Brad Grimm	Public Works Director
Pauline Hardie	Senior Planner
Laura Lehman	Associate Planner
Kathy Nelson	City Recorder

PLANNING COMMISSION:

Dave Marlow	Chair
John Rahm	Vice Chair
Dominic Debari	Commissioner
David Gentry	Commissioner
Chuck Humphreys	Commissioner
Carey Tosello	Commissioner

GUESTS:

Alan Holzman	Commissioner Elect
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ABSENT:

Daryl Tewalt	Commissioner
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The joint workshop meeting of the City Council and Planning Commission was called to order at 5:34 p.m. by Mayor Boyd. Introductions around the table were made.

A. Emergency Development Code Update

Associate Planner Laura Lehman explained the need for the emergency Development Code update is to correct page numbering and formatting issues, conflicts within the code, incorrect references and definitions and other errors that make the code difficult for staff and the public to use. She stated the emergency code update will not implement or address any new policies. She provided an overview of the key changes and then asked for questions.

Mayor Boyd stated he is concerned that there is no height limitation listed for false fronts in section 2.1.170 regarding building heights. **Commissioner DeBari** stated that he is concerned that if a height limitation is listed that will become the standard to which developers build. He suggested instead relying on the Planning Commission to monitor each building on a case by case basis. **Community Development Director Eric Porter** stated that there is some question as to whether a false front can be exempt from the height standard and that some developers have argued that, as an uninhabitable space, a false front does qualify for exemption. He added that since this might be a policy question, the issue could be pulled and included in the non-emergency

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Development Code update. **Mayor Boyd** stated that he would be satisfied if a set percentage of the building height is used to set a height limit. **Commissioner Humphreys** suggested using a set percentage of the linear façade as that would serve to limit both the horizontal and vertical proportions and provide flexibility to the developer. **Mayor Boyd** asked that Director Porter and the Planning Commission continue the discussion on the matter at its next meeting and if a solution can be determined to move forward and if not to pull the matter to be determined with the non-emergency update.

Councilor Bell asked for clarification on density and open space requirement as it relates to the number of dwelling units allowed per the zoning of the buildable land. **Mayor Boyd** stated that 30% open space is always required and that if a zone has a certain density requirement that can't be met, then a default to a lower number of dwelling units will be allowed. **Director Porter** added that language will be added to state that the hearings body would make a decision for the properties where that might be an issue.

Planner Lehman stated that a summary of the recommended changes and comments would be distributed at the March 3rd Planning Commission workshop. **Director Porter** stated that he feels the changes are timely and helpful. He stated he is very pleased with the addition of the call-up provision to provide a good checks and balance measure, explaining that it will function much like an appeal. He stated that if within 14 days of a decision, the signature of three Planning Commissioners or two Councilors, can call up a staff decision they feel is incorrect if it can be supported by the Development Code. He also stated that the Council will be able to call up a decision made by the Planning Commission in the same manner. **Councilor Merrill** questioned what effect that would have on the 120 day decision response requirement. **Director Porter** stated it would be a consideration and staff would need to make certain that the 120 day time clock is still met. He added that he felt the time frames currently practiced by the Planning Department would facilitate any decision being met in a timely fashion. **Councilor Weed** asked that a document be provided that outlines the procedure to call up a staff or planning decision and **Director Porter** stated he would create one.

City Manager Update

Manager Stein provided an overview of the Community Garden's hope to relocate to Cliff Clemens Park. She stated the Community Garden approached the City asking for permission to use the park. The City informed the organization it should coordinate with the neighborhood and the Kiwanis then come back to the Council with a report. She stated that a petition opposing the relocation of the garden to the park from neighbors surrounding the park has been received by the City. She stated that on the Council level there has been discussion on how the request should be processed. She stated that ultimately decision on improvements to the park will be determined, adding that the Kiwanis have shown an interest in making some improvements also and have an approved site plan. **Manager Stein** stated she was recommending the City allow the Community Garden undertake a site plan modification with coordination from the Architectural Review Board,

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Kiwanis and Mr. Clemens. She stated there should be an open community meeting prior to the hearing on the site plan modification coming before the Planning Commission. She stated this will be to communicate to the neighborhood the approved plans for the park as well as the proposed plans for the park. She stated she will be asking the Council to decide on the process at the regular meeting. **Commissioner DeBari** asked why the Community Garden desired a move from its current location. **Manager Stein** explained that the garden is currently on a lot that is leased from Habitat for Humanity and there are plans to sell the lot. She stated the Community Garden is looking for a permanent home but if the end result is that there is strong opposition to the garden at the park, the group will look elsewhere for a permanent site, stating that the charter of the Community Garden is to bring community members together. **Mayor Boyd** stated a lot of misinformation regarding the Community Garden has been communicated. **Manager Stein** stated the decision to take the park through the site plan modification process is the City Council's, but the matter will come before the Planning Commission if the Council, as the property owner, decides to move forward with the site plan modification.

Councilor Merrill asked if there was an approved site plan. He stated the Parks Master Plan and the site plan he has seen do not match. He added that prior to a community meeting citizens need to be given the information by the Council and staff to make informed remarks. **Manager Stein** stated the purpose of the community meeting is exactly that, to present the history of the proposed park improvements and allow citizens to become prepared for testimony at the Planning Commission hearing.

Five Pines Parking Issue

Mayor Boyd stated he wanted to speak about concerns with regard to the lack of parking at Five Pine Center, specifically where the new Brew Pub is being constructed. He pointed out that staff had recommended the required number of parking spaces per the Development Code at the October 2005 hearing and that the Planning Commission had not followed the staff recommendation. Instead the Planning Commission allowed the applicant to provide less parking spaces with the intention to monitor the parking situation as needed to assure that adequate parking will be available for the future. He directed the Council and Planning Commission to an email from City Attorney Steve Bryant addressing the issue and the problems that have arisen due to ambiguous language that makes requiring more parking spaces unenforceable by the City. He stated that when lots 4, 5 and 6 come before the Planning Commission for development, they could provide an opportunity to resolve the parking issue. **Commissioner DeBari** stated that there is adequate space behind Sisters Movie House to provide additional parking and he feels the developer would respond in a positive way if the subject is broached. **Chairman Marlow** stated there have been so many changes to the Master Plan for Five Pine Center that the City should require a new Master Plan for the entire development. **Director Porter** explained that requirement is not allowed under the current code but will be addressed in the non-emergency Development Code update when the code is changed to allow the Planning Commission to look at issues globally instead of on a case by case basis. It will require a new Master Plan for a

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development when there have been a specific number of changes. **Commissioner Tosello** stated that the developer said at the time of approval that he would address the parking issue as needed. **Mayor Boyd** replied that once a Master Plan is approved without appropriately binding language the City has no leverage to require the parking. He added that he was not singling out Five Pine Center or criticizing the Planning Commission but only wanted to remind the Planning Commission that it is their charge to protect the public interest by enforcing the Development Code and asked that all members be diligent to that end.

Non-Emergency Development Code Update

Mayor Boyd asked the estimated time line for the non-emergency Development Code update and **Director Porter** stated that with all the changes it will likely take a full year. **Councilor Weed** asked if there would be a citizen committee involved with the update before it is presented to the Planning Commission. **Director Porter** stated that he was not anticipating a citizen committee but will give planning staff an opportunity to provide input, along with the document created by the Angelo Planning Group and the previous citizen advisory committee. **Manager Stein** suggested that instead of having a separate citizen committee group the Council and Planning Commission work together as a sounding board, with the secondary benefit of providing education to both groups also. **Councilor Weed** stated that there were controversial issues that the previous group was not in agreement on and she would want to see those minority opinions. **Councilor Merrill** stated that those issues were captured in the minutes and report from the committee. **Director Porter** stated there were six or seven issues that were unresolved that still need to be decided upon. **Councilor Merrill** stated another issue to consider is to make certain there is no conflict between the update and the Comprehensive Plan. **Mayor Boyd** acknowledged that the Planning Commission will not have all the tools it needs prior to the non-emergency update being completed. **Councilor Merrill** stated that the Planning Commission members are not attorneys and should depend on the Community Development Department for information. **Commissioner DeBari** stated with the enormity of some of the projects that have come before the Planning Commission it has been difficult to grasp all the information. **Director Porter** stated that commissioners should have a clear comfort level prior to approval of any application. **Commissioner Rahm** stated that when the City has approved a Master Plan and then the developer changes the plan time and time again the City should have some recourse. **Mayor Boyd** stated the important issue is to learn from these situations for the future.

Forest Service Property Update

Director Porter provided an update on the Forest Service property with regard to the information received from the Land Conservation and Development Commission (LCDC). He stated that instead of creating an overlay zone the City will draft a policy to identify the general parameters for development of the property. He stated this will provide protection to the City and satisfy the State. He added it will provide the appropriate level of checks and balances for the land.

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Recognition of Commissioner John Rahm

Mayor Boyd thanked Vice Chairman John Rahm for his years of service to the City as both a City Councilor and Planning Commissioner. **Vice Chair Rahm** stated he has loved being a part of the City process and feels the Planning Commission has come together as a group that understands its role and job. He stated he has enjoyed working with everyone and feels confident that the current members will be working in the best interest of the City.

The meeting was adjourned at 6:52 p.m.

Respectfully submitted,

Kathy Nelson, City Recorder

Brad Boyd, Mayor